

To: Casso, Ruben[Casso.Ruben@epa.gov]
From: Beaver, Melinda
Sent: Tue 11/1/2016 12:21:46 PM
Subject: RE: AIR POLLUTION: Utah asks court to stay EPA haze plan

Thanks. I hadn't yet heard of the stay motion.

From: Casso, Ruben
Sent: Tuesday, November 01, 2016 7:50 AM
To: Beaver, Melinda <Beaver.Melinda@epa.gov>
Subject: AIR POLLUTION: Utah asks court to stay EPA haze plan

AIR POLLUTION: Utah asks court to stay EPA haze plan

Sean Reilly, E&E reporter

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Utah is asking a federal appellate court to stay U.S. EPA's regional haze plan for the state, saying the freeze is needed to keep power producer PacifiCorp from going ahead with costly air pollution controls that may ultimately not be needed.

Without a stay, Utah "will suffer irreparable harms from expenditure of economic resources, regulatory complications and sovereign harms," lawyers for the state attorney general's office said in the [motion](#) filed this afternoon with the 10th U.S. Circuit Court of Appeals. It adds that Utah is likely to win on the merits because the EPA plan is illegal and "not cost-effective."

Both the state and PacifiCorp had filed suit last month in a bid to block the plan, intended to reduce haze-forming emissions at two coal-fired power plants in central Utah that — according to EPA — interfere with visibility at national parks in Utah, Arizona and Colorado. Oregon-based PacifiCorp supports the stay motion while EPA and allied environmental groups are opposed, today's filing said.

The haze reduction program, in place in its current form since 1999, is intended to return visibility in 156 large national parks and wilderness areas to natural conditions by 2064.

The Utah plan, which carries a five-year implementation period, is supposed to cut combined releases of nitrogen oxides at the Hunter and Huntington plants by almost 10,000 tons annually, according to EPA.

But in today's motion, Utah said the agency's approach relies on installation of a pollution control technology known as selective catalytic reduction (SCR) that will cost PacifiCorp ratepayers \$700 million and result in no visibility improvement that is perceptible to the human eye.

While the plan sets an August 2021 deadline for full installation of SCR at both plants, that deadline is "stringent" in light of the project's complexity and will require PacifiCorp to begin buying goods and services immediately, the motion said.

In July, the 5th U.S. Circuit Court of Appeals stayed a separate EPA-imposed haze plan for Texas and Oklahoma, saying Texas was likely to prevail on the merits. All legal proceedings in that case are on hold until Nov. 28 while the two sides try to work out a settlement